

Hearing Date: November 16, 2022
Opposition Date: September 12, 2022
Reply Date: October 12, 2022

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION	:	Adv. Pro. No. 08-1789 (SMB)
CORPORATION,	:	
	:	SIPA LIQUIDATION
Plaintiff-Applicant,	:	(Substantively Consolidated)
	:	
v.	:	
	:	
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES LLC,	:	
	:	
Defendant.	:	
-----X		
In re:	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor.	:	
-----X		
IRVING H. PICARD, Trustee for the Liquidation	:	Adv. Pro. No. 11-2922 (SMB)
of Bernard L. Madoff Investment Securities LLC,	:	
and Bernard L. Madoff,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
BANK JULIUS BAER & CO. LTD.,	:	
	:	
Defendant.	:	
-----X		

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Bank Julius Baer & Co., Ltd's Motion to Dismiss the Amended Complaint in the above-captioned action, the Declaration of Eric B. Halper, dated as of the date hereof and exhibits thereto, and all prior pleadings and proceedings herein, Defendant Bank Julius Baer & Co. Ltd.

(“BJB” or “Defendant”) will move this Court for an order dismissing the Amended Complaint filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: July 7, 2022
New York, NY

MCKOOL SMITH, P.C.

By /s/ Eric B. Halper
Eric B. Halper

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